IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUM. SUIT NO. 2227 OF 2003

WITH

SUMMONS FOR JUDGMENT NO. 1194 OF 2003

Shri Pervez P.Bhathena .. Plaintiff

vs.

Indabtrator Ltd., .. Defendants.

Mr. M.A. Adenwala for plaintiff.

Mr. M.G. Mimani for defendants.

CORAM : S.U.KAMDAR, J.

DATE : 24th August, 2005.

P.C.

. By consent of the parties, the following order is passed.

2. There shall be a decree on admission against the defendant and in favour of the plaintiff for the sum of Rs. 4,53,575.70 along with interest at the rate of 18% per annum from today till payment and/or realisation. However, if the defendant makes payment of Rs. 4 lacs in six equal instalments then in that event the decree to be marked satisfied. In the event if there are any two defaults the

plaintiff will be entitled to execute the decree as prayed on admission for the sum of Rs. 4,50,000/- with interest at the rate of 18% per annum from today till payment and/or realisation. The instalment to be started from 10.9.2005 and the same will be paid on each and every succeeding month till the aforesaid payment of Rs. 4,50,000/- is made. The suit is decreed accordingly.

3. In view of the disposal of the suit, the summons for judgment does not survive. The same is dismissed as infructuous.